

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-576

June 29, 1999

PUBLIC UTILITIES COMMISSION
Standard Offer Service (Chapter 301)

ORDER FINALLY
ADOPTING RULE AND
STATEMENT OF
POLICY BASIS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order, we finally adopt amendments to the Commission's rule governing standard offer service.

On December 10, 1998, the Commission provisionally adopted amendments to its rule governing the terms and conditions of standard offer service, and the process for selecting standard offer providers. Because the standard offer rule is denominated as a "major substantive" rule by 35-A M.R.S.A. § 3212, it requires legislative approval under 5 M.R.S.A. §§ 8071-8074. In compliance with those provisions, the Commission submitted the rule to the Legislature for its approval. On March 16, 1999, the Commission submitted a letter to the Joint Standing Committee on Utilities and Energy proposing further changes to the rule.

On May 18, 1999, Governor King signed into law Resolves 1999, ch. 37, which authorizes final adoption of the amended standard offer rule only if the rule is modified substantially in accordance with the attachment to the Commission's March 16, 1999 letter. Specifically, Chapter 37 directs the following changes to the provisionally adopted rule.

1. Establish standard offer classes and require providers to bid separately on each class;
2. Set the initial period of the standard offer at one year;
3. Assign responsibility for uncollectibles to standard offer providers;
4. Provide for electric utilities to arrange standard offer service in cases where the Public Utilities Commission determines there is a lack of sufficient bids; and
5. Make the rule consistent with other Public Utilities Commission rules governing interactions between providers and electric utilities.

The changes required by Chapter 37 have been made in the final rule.

Accordingly, we

O R D E R

1. That the attached Chapter 301, Standard Offer Service is hereby finally adopted; and

2. That the Administrative Director shall file the finally adopted rule and related materials with the Secretary of State; and

3. That the Administrative Director shall send copies of this Order and attached rule to:

- A. All electric utilities in the State;
- B. All persons who have filed with the Commission within the past year a written request for notices of rulemakings;
- C. All persons on the Commission's list of persons who wish to receive notice of all electric restructuring proceedings;
- D. All persons who have filed comments in Docket Nos. 98-576 and 98-781; and
- D. The Executive Director of the Legislative Council (20 copies).

Dated at Augusta, Maine, this 29th day of June, 1999.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Nugent
 Diamond

COMMISSIONER ABSENT: Welch
NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of

review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.